

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

In Re:

Craig Polzin and
Christine Hollatz-Polzin,

Case No. 19-11873

Debtors.

Craig Polzin and
Christine Hollatz- Polzin,

Adv. No. 19-69

Plaintiffs,

v.

Byline Bank,

Defendant.

**STIPULATION GRANTING JUDGMENT, VALUING COLLATERAL AND
RELEASING LIEN UPON COMPLETION OF PLAN**

NOW COME the above parties, through their undersigned counsel, who stipulate and agree that the Agreed Order Granting Judgment, Valuing Collateral and Satisfying Lien Upon Completion of Plan in the form attached as Exhibit A, may be entered by the Court without further notice or hearing.

DATE: 10/9/2019

DATE: 10/10/19

GOYKE & TILLISCH, LLP
Attorneys for Plaintiffs

CRAMER, MULTHAUF & HAMMES, LLP
Attorneys for Byline Bank

BY: [Signature]

George B. Goyke, SBN 1001340

BY: [Signature]

Daniel J. Habeck, SBN 1030959

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
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Plaintiffs,

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Byline Bank,

Defendant.

**AGREED ORDER GRANTING JUDGMENT, VALUING COLLATERAL AND
RELEASING LIEN UPON COMPLETION OF PLAN**

The above-named Plaintiffs filed an adversary complaint seeking to establish the value of the above-named Defendant's interest in the plaintiffs' real property located at 114010 Hillside Street, Stratford, WI 54484, more fully described in the attached legal description. The complaint alleges that the value of the property is less than the amount due and owing to the holder of the senior lien on the property, and that there is no equity in the property to which the Defendant's

junior lien can attach. The complaint requests that the Court determine that the value of the Defendant's interest in the property is wholly unsecured, and that it permit the Defendant's claim to be treated as unsecured in this Chapter 13 case. The Plaintiffs properly served the complaint on the Defendant pursuant to Bankruptcy Rule 7004, and the Plaintiff and Defendant have agreed to the entry of this Order.

Accordingly, the Court finds and declares:

1. The Court grants judgment in favor of the Plaintiffs.
2. The value of the property is less than the amount of the claims secured by liens that are senior to the Defendant's lien.
3. Pursuant to 11 U.S.C. § 506(a), the Defendant's claim in this Chapter 13 case is allowed as a general, unsecured claim and not an allowed, secured claim.
4. Consequently, the Plaintiffs' Chapter 13 plan may modify the Defendant's rights as a holder of an unsecured claim pursuant to 11 U.S.C. § 1322(b), by providing that the Defendant's lien will be satisfied upon the plan's completion and the granting of a discharge.
5. Upon completion of a plan so providing, and entry of the order granting the Plaintiffs' discharge, the Defendant's lien on the property will be satisfied. If the Defendant fails to release its lien upon the completion of that plan and the granting of the discharge, the Plaintiff may record a certified copy of this Order and the bankruptcy discharge which will release the Defendant's mortgage.
6. Each party will bear its own costs and fees.

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The Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 3, Township 27 North, Range 3 East, in the Town of Eau Pleine, Marathon County, Wisconsin.

Tax Key: 10.32703.11

PIN: 37-020-4-2703-033-0997

Property commonly known as: EP170 Hillside St., Stratford, WI 54484

EXHIBIT ONLY